

CSHCS Alert #20-2012: Sharing of information with Medicaid Health Plans
Fri 10/5/2012

Colleagues,

In response to the LHD inquiries regarding the sharing of information with Medicaid Health Plans, we have consulted with the MDCH Office of Legal Affairs. This office provides legal guidance to DCH staff, and cannot provide legal advice to entities outside of DCH. If the LHDs are concerned about the legal implications of releasing PHI to the MHPs, then the LHDs might consult with their own legal counsel. With that said, the Office of Legal Affairs believes the LHDs may disclose PHI to the MHPs without an authorization as part of health care operations under 42 CFR 164.506. Please see attached citation.

Also note that the CSHCS contract language in the Comprehensive (CPBC) agreement first amendment includes the following statement: "Local Health Departments and Medicaid Health Plans may share enrollee information to facilitate coordination of care without specific, signed authorization from the enrollee. The enrollee has given consent to share information for purposes of payment, treatment and operations as part of the Medicaid Beneficiary Application."

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